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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,815	10/22/2001	Joachim Runge	Q64443	8275

7590 10/09/2003

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EXAMINER	
MAYO III, WILLIAM H	

ART UNIT	PAPER NUMBER
2831	

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/982,815	Applicant(s) RUNGE ET AL.	
	Examiner William H. Mayo III	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Own Admission of Prior Art (herein referred to as AOAPA) in view of Jagersberger (Pat Num 5,477,007). AOAPA discloses well known multiple twisted conductors (Figs 1a-1b), comprising at least two individual twisted conductors of individual enamel insulated partial conductors (see background of Invention). Specifically, with respect to claim 1, AOAPA discloses a multiple twisted conductor (Figs 1a-1b) comprising at least two individual conductors (1 & 2), each of which comprises a

stack of uneven number of individual enamel insulated partial conductors (3) and a joint sheath (5) surrounding the individual twisted conductors (1 & 2), wherein the individual twisted conductors (1 & 2) are arranged inside the common sheath (6) without any insulating layer of their own (Col 3, lines 40-45, Fig 2). With respect to claim 2, AOAPA discloses that the individual twisted conductors (1 & 2) are spaced apart from one another by spacers (6) that are made of insulating material (see Detailed Description of Prior Art Fig 3 on page 3). With respect to claim 3, AOAPA discloses that the spacer (5) is an insulating material (see Detailed Description of Prior Art Fig 3 on page 3). With respect to claim 4, AOAPA disclose a process for producing multiple twisted conductors (Figs 1a-1b) in which at least one individual twisted conductors (1 & 2) comprising individual enamel insulated partial conductors (3) may be pulled from at least some supply reel, joined, and provided with a joint sheath (5) surrounding the individual twisted conductors (1 & 2), wherein the process also further comprises the step of providing individual twisted conductors (1 & 2) which are arranged inside the common sheath (5). With respect to claim 5, AOAPA discloses a process wherein the individual twisted conductors (1 & 2) are spaced apart from one another by spacers (6) that are made of insulating material (see Detailed Description of Prior Art Fig 3 on page 3). With respect to claim 6, AOAPA discloses that the spacer (5) is an insulating material (see Detailed Description of Prior Art Fig 3 on page 3). With respect to claim 7, AOAPA discloses a process wherein the first twisted conductor (1 & 2) is produced from a plurality of partial conductors (3) by Roebel transposition and in the production of the second one of the at least two individual twisted conductors, wherein the first one of the

at least two individual twisted conductors together with the second one of the two individual twisted conductors (1 & 2) are provided with a common insulating sheath (5).

However, AOAPA doesn't necessarily disclose the at least two individual twisted conductors wherein the individual twisted conductors are arranged inside the common sheath without any insulating layer of their own (claim 1), nor the spacer being pressboard (claim 3), nor a method of providing at least two individual twisted conductors with a common insulating sheath without any insulating layer of their own (claim 4), nor process of manufacturing a spacer being pressboard (claim 6).

Jagersberger teaches a multiple twisted conductor (Figs 1-3), which permits better utilization of materials while simultaneously reducing the construction size (Col 2, lines 15-16). Specifically, with respect to claim 1, Jagersberger teaches a multiple twisted conductor (Figs 1-3) comprising at least two individual conductors (1) comprising individual enamel insulated partial conductors (2) and a joint sheath (6) surrounding the individual twisted conductors (1), wherein the individual twisted conductors (1) are arranged without any insulating layer of their own (Col 3, lines 40-45, Fig 2). With respect to claim 3, Jagersberger teaches that the spacer (5) may be pressboard (Col 3, lines 57-60). With respect to claim 4, Jagersberger teaches a process for producing a multiple twisted conductor (Figs 1-3) in which at least one individual twisted conductors (1) comprising individual enamel insulated partial conductors (2) may be pulled from at least some supply reel, joined , and provided with a joint sheath (6) surrounding the individual twisted conductors (1), wherein the process also further comprises the step of providing individual twisted conductors (1) which are

arranged without any insulating layer of their own (Col 3, lines 40-45, Fig 2). With respect to claim 6, Jagersberger teaches a process wherein the spacer (5) may be pressboard (Col 3, lines 57-60).

With respect to claims 1, 3, 4, and 6, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the twisted conductors of AOAPA to comprise the conductor configuration as taught by Jagersberger because Jagersberger teaches that such a configuration provides a winding which permits better utilization of materials while simultaneously reducing the construction size (Col 2, lines 15-16) and since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. In re Karlson, 136 USPQ 184.

Response to Arguments

4. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Studniarz et al (Pat Num 4,724,600), Richardson (Pat Num 2,970,936), Runge (Pat Num 6,087,583), Cope et al (Pat Num 4,160,926), Kaspar

(Pat Num 4,295,071), and Lugosi et al (Pat Num 4,337,567), all of which discloses a coil conductor.

Communication

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

WHM III
September 30, 2003